

CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
MAY 30, 2013

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Pastor Timothy Sheppard of Central Baptist Church in Thunderbolt, GA, followed by the Pledge of Allegiance to the Flag. Upon motion of Alderman Osborne, seconded by Alderman Thomas and unanimously carried the summary/final minutes of the City Council work session/City Manager's briefing of May 16, 2013 and the City Council summary/final minutes of May 16, 2013 were approved.

PRESENT: Mayor Pro-Tem Van R. Johnson, II, Presiding
Alderman Tony Thomas, Chairman of Council
Alderman Mary Osborne, Vice-Chairman of Council
Aldermen Mary Ellen Sprague, John Hall, Estella Shabazz
and Carol Bell

City Manager Stephanie Cutter
City Attorney W. Brooks Stillwell
Assistant City Attorneys William W. Shearouse & Lester B. Johnson, III

ABSENT: Mayor Edna Jackson (out of town)
Alderman Tom Bordeaux (out of town)

Mayor Pro-Tem Johnson stated that Mayor Jackson and Alderman Bordeaux were out of town on official City business. The members of Council had the opportunity to speak to the Mayor this morning and she and Alderman Bordeaux are in route back to Savannah.

Mayor Pro-Tem Johnson asked for a motion to be made to move item 16.1 on the agenda to create item 3.1. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried the Resolution for Patrick S. Graham was moved.

PRESENTATIONS

An appearance by Cathy Hill from Georgia Power to present each City Council member and the City Manager with a commemorative plaque for the completion of the network upgrades in Savannah. Ms. Hill stated at the end of 2012 they completed a very significant project in Savannah that could only be accomplished with the partnership and reinforcement that came from Council, the administration staff and the citizens. She thanked Council and added this project was the first of its kind in the United States and one that Georgia Power is receiving national recognition. The award received is the Southeastern Electric Exchange Distribution Industry Excellence Award for 2013 which will be presented in Orlando, Florida in July. The significance of the project came after the merger of Georgia Power and Savannah Electric in

2006 a decision was made that the network underground system which was installed around the turn of the century needed to be upgraded. They set out to replace and expand this system over a course of ten years. In 2009 they got the support of the business community and the City of Savannah that would allow them to accelerate that project to complete in five years and they met that commitment. The project was an \$80 million investment that included the installation of new remote monitoring devices which is a smart grid technology that allows them to monitor and improve the reliability and switching capabilities. They replaced 32 miles of high voltage primary cable and 80 miles of secondary cable. They constructed 12 new transforming vaults. 79 new transformers and replaced the covers of 400 manholes. The members of Georgia Power team were: Matt Gignilliat, Regional External Affairs Manager, Ronald McGee, City of Savannah Account Manager, and Jim Cone who worked throughout the project as Project Manager. In recognition of the project a commemorative manhole cover was placed across the street from City Hall. Today, she presented to each Council member a duplicate of this manhole cover. She is very pleased and excited about what has been accomplished. Alderman Shabazz thanked Georgia Power and the support and contact she received from Mr. McGee in reference to the work in the 5th district. Alderman Bell thanked Soror Hill for the fine job Georgia Power is doing in our community. Mayor Pro Tem Johnson said we are an old City with old infrastructure therefore any project would be major and he appreciates her team making the City Council aware and educated about this project.

Patrick S. Graham, Executive Director and Mr. Sylvester Formey, Chair of the Savannah Hilton Head International Airport appeared before Council to present a resolution to Mr. Graham who is retiring on June 30, 2013, upon completion of 28 years of service. Mayor Pro Tem Johnson said on yesterday he participated in the north aviation development ribbon cutting which culminated a \$29 million project. Everyone there said it was the vision and brain child of Mr. Graham. Mr. Graham said the past 28 years have been great, but now it is time to move on to other things. He has worked very hard for many years with the board and its chairman Mr. Formey. He thanked Council and the previous Council members who he worked with as we have a great airport and he will not be that far away. The resolution was read by Alderman Tony Thomas who moved for adoption of the resolution and it was seconded by Alderman Shabazz and unanimously carried. Mr. Formey said the community needs to know what an asset Mr. Graham has been to the Airport Commission and has built a City at the airport where we received 78% of their revenues that are non-aviation based. He was named the Executive Director of the Year for Airport Revenue News for running the most financially sound airport his size in North America. On behalf of the Commission we appreciate his service and will miss him. Mayor Pro Tem Johnson presented the resolution to Mr. Graham. (See Resolutions)

LEGISLATIVE REPORTS

ALCOHOLIC BEVERAGE LICENSE HEARINGS

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of these licenses. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried they were approved per the City Manager's recommendation.

As advertised hearing was held on a petition of Brendan Pappas for Trompe Le Monde, LLC t/a Kayak Kafe, requesting to add a liquor (drink) license with Sunday sales to an existing 2013 beer and wine (drink) license with Sunday sales at 1 E. Broughton Street, which is located between Bull and Drayton Streets in District 1. (Existing business/owner) Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried.

As advertised hearing was held on a petition of Aldemar Carmona for Antojo Latino, requesting a liquor, beer and wine (drink) license with Sunday sales at 44 Posey Avenue, which had a 2010 beer and wine (drink) license with Sunday sales and Hybrid permits and is located between White Bluff Road and Abercorn Street in District 4. (New ownership/management) Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried.

As advertised hearing was held on a petition of Deborah S. Pembroke for Steed's, requesting to transfer a liquor, beer and wine (drink) license from N.J. Griffis at 44 Echols Avenue, which had a 2013 liquor, beer and wine (drink) license and is located between White Bluff Road and Abercorn Street in District 4. (New ownership/management) Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried.

As advertised hearing was held on a petition of John P. DeBeer, for DeBeer Enterprises, Inc. t/a Zunzi's 2, requesting a liquor, beer and wine (drink) license with Sunday sales and Hybrid permits at 9 Drayton Street, which had a 2012 liquor, beer and wine (drink) with Sunday sales and Hybrid permits and is located between Bay and Bryan Streets in District 1. (New ownership/management) Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously carried.

PETITIONS

James Kluttz and Edward Coy (Property Owners) – Petition 120555, requesting that the City declare surplus the property located at 5601 White Bluff Road and portions of Alpine Lane in order that they may acquire said property for a future parking lot. The property as described is located on the west side of White Bluff Road, north of Hampstead Avenue, and adjacent to their commercial tire store located on corner of the intersecting roads.

This request has been reviewed by Traffic Engineering, the Citizen Office, and Real Property Services. It is noted that the subject property and the portions of the lane may be needed as part of the future plans for Project DeRenne, specifically regarding the impending acquisition and probable property usage that may be required along Hampstead Avenue and White Bluff Road. Details and finalization of the plans are still being worked out by the City and the Georgia Department of Transportation (GDOT), and it is too early to determine if the subject lot and lane will be required as part of the new alignment of White Bluff Road to the I -516 connector.

Recommend denial of the petitioners' request to declare surplus the property at 5601 White Bluff Road and portions of Alpine Lane in order to acquire. Determination regarding the sale of the property can be evaluated again at a future time when plans have been finalized and GDOT approves and certifies the right-of-way needed for the project. Recommend denial. Upon a motion by Alderman Thomas, seconded by Alderman Sprague and unanimously approved as per the City Manager's recommendation.

Andrew Wilford (Property Owner) – Petition 120556, requesting that the City allow encroachment within the E. Congress Street right-of-way for the construction of an entry stoop. The subject property is located at 535 E. Congress Street. The petitioner is planning to construct a new residential building with a front stoop to reach the first floor elevation. According to Mr. Wilford, the stoop will encroach 2'-3" onto the right-of-way, leaving a 4' passable sidewalk. He proposes to move an existing parking meter to accommodate the request. This request has been reviewed by Public Works and Water Resources, Development Services, Park and Tree, and Parking and Mobility Services. There are no objections to the request; however approval is subject to the property owner assuming all responsibility for injuries and/or damages to third parties as a result of the encroachment. All City construction guidelines must be followed, and any sidewalk modification must meet ADA, federal, state and local codes and be installed per the City's standard construction details and specifications. A separate approval will be required for the proposed new location of the parking meter, and the petitioner must contact Parking and Mobility Services for review and approval of the location. Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Osborne and unanimously approved as per the City Manager's recommendation.

Adam Cagle of Catamount Construction, on behalf of Dr. Walter and Linda Evans of West Broad Development (Property Owners) – Petition 120556, requesting that the City allow encroachment within the Alice Street and Gaston Street right-of-ways for the installation of a pervious paver system specific to storm water drainage. The property in consideration is located at 466 Martin Luther King Jr. Boulevard, between Gaston and Alice Streets. This purposed paver system will be located within the bounds of the sidewalk and will run approximately 65' in length on the west end of both Alice and Gaston Streets as they intersect Martin Luther King Jr. Boulevard. This request has been reviewed by Public Works and Water Resources, and Development Services. Approval of the request shall be subject to the City's receipt of a property executed storm water maintenance agreement, and the property owner assuming all responsibility for injuries or damages to third parties as a result of the encroachment. Continuous and long-term functionality of the permeable pavers requires routine maintenance of the system, and the City shall not be responsible for any maintenance of the sidewalk as it relates to the proper storm water management of the site. All pavers, sidewalk improvements, additions, installations, replacements, and/or modifications must be done in accordance with City standards and must meet the most current ADA and Life Safety requirements. Recommend approval. Upon a motion by Alderman Bell, seconded by Alderman Osborne and unanimously approved as per the City Manager's recommendation.

Bob Turner of Congress Street Properties LLC (Property Owner) – Petition 120578, requesting that the City allow encroachment within the W. Congress and Montgomery Streets right-of-way for the installation of trench drains, to infill existing open sidewalk wells, and the installation of brick pavers within the sidewalk. The subject property is located at 319 W. Congress Street, at the southeast corner of Congress and Montgomery Streets and the proposed location of the new Anthropologie retail store. In further detail; the petitioner plans to remove existing trench drains and install new ones in their place (one on Montgomery and two on Congress). Mr. Turner also plans to infill two existing open sidewalk wells within the Montgomery Street sidewalk (originally used to provide access to the basement and are currently grate covered). The plans provide for the sidewalk to be repaired with brick pavers to match existing. Noted within the petition, the rear building façade will encroach into the rear lane 6” to match the building line of the adjacent structure. This request has been reviewed by Public Works and Water Resources, Sanitation, and Development Services. There are no objections to the request; however approval is subject to the property owner assuming all responsibility for injuries or damages to third parties as a result of the encroachment(s). All City construction guidelines must be followed, and all new installations must meet all federal, state and local codes. The City will not be responsible for maintenance of the trench drains or liability thereof. Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Osborne and unanimously approved as per the City Manager’s recommendation.

Angela Bean of Doug Bean Signs, on behalf of Oliva Restaurant & Bar (Business Occupant) and Jeff Notrica (Property Owner) – Petition 120592, requesting that the City allow encroachment at 10 Whitaker Street for the installation of a hanging sign over the sidewalk. The subject property is located on the east side of Whitaker Street between W. Bay and Congress Streets. The sign is designed as 55” wide x 40” high, projecting from the façade approximately 65”, and will provide approximately 10 1/2’ vertical clearance. The petition has been reviewed by Public Works and Water Resources and Development Services. There are no objections to the request; however approval is subject to the property owner assuming all responsibility for injuries or damages to third parties as a result of the sign and installation. All City permitting and construction guidelines must be followed. Recommend approval. Upon a motion by Alderman Bell, seconded by Alderman Thomas and unanimously approved as per the City Manager’s recommendation.

ORDINANCES

First and Second Readings

Ordinance read for the first time in Council May 30, 2013, then by unanimous consent of Council read a second time May 30, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Sprague and carried.

Announcement Signs in Specified Zoning Districts (12-000277-ZA). An ordinance to add a “Street Classification Map for Announcement Signs” and to amend Sections 8-3112(c) (5) c, 8-

3112(d) (3) and 8-3112(q) of the Savannah Zoning Ordinance to allow announcement signs in specified zoning districts, subject to limitations. Recommend approval.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND SECTION 8-3112(q) OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003), PERTAINING TO PLANNING AND REGULATION OF DEVELOPMENT-STREET CLASSIFICATION MAP FOR PRINCIPAL USE SIGNS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR ALL OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Section 8-3112(q) of the Code of the City of Savannah, Georgia (2003), hereinafter referenced as "Code", be amended as follows:

REPEAL

Section 8-3112(q) in its entirety.

ENACT

Section 8-3112(q) *Street classification map for principal use signs; purpose.* The street classification map for principal use signs shall apply for the purpose of this chapter in determining the maximum size and height for principal use signs fronting major and secondary streets as set forth in subsections (a)(2), "freestanding signs"; and (i)(3), "principal use signs".

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 2nd day of March, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 30, 2013.
MPC FILE NO.: 12-000277-ZA

Ordinance read for the first time in Council May 30, 2013, then by unanimous consent of Council read a second time May 30, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Shabazz, seconded by Alderman Thomas and carried.

Rezone 300 Drayton Street (12-001981). An ordinance to rezone 300 Drayton Street from RIP-A (Residential-Medium Density) to RIP-C (Residential-Medium Density). Recommend approval.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT RIP-A ZONING CLASSIFICATION TO A RIP-C ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present RIP-A zoning classification to a RIP-C zoning classification:

LEGAL DESCRIPTION

THE POINT OF BEGINNING, located at the approximate intersections of the centerlines of the Drayton Street & East Liberty Lane, thence proceeding in a SE direction along the centerline of East Liberty Lane for an approximate distance of: 149.655 ft. [X: 988995.826 Y: 755934.040] to a point, thence proceeding in a direction N 16-44-19 E, along a line for an approximate distance of: 172.969 ft. to a point, thence proceeding in a direction: N 73-35-45 W, along the centerline of R/W of East Liberty Street for an approximate distance of: 148.723 ft. to a point located on the approximate centerline of Drayton Street, thence proceeding in a SW direction along the centerline of Drayton Street for an approximate distance of 174.259 ft. to a point, said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number as follows:

P.I.N. 2-0015-33-016

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 18th day of January, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 30, 2013.
MPC FILE NO.: 12-001981-ZA

Ordinance read for the first time in Council May 30, 2013, then by unanimous consent of Council read a second time May 30, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Sprague and carried.

1426 Chatham Parkway Future Land Use Map Amendment and Rezoning (13-001209-ZA). An ordinance to amend the Future Land Use Map to change a portion of 1426 Chatham Parkway from a Commercial-Suburban classification to a Residential-General classification and to rezone the property from PUD-B-R (Planned Unit Development-Regional Business) to PUD-M-18 (Planned Unit Development-Multifamily, 18 units per net acre). Recommend approval.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT PUD-B-R ZONING CLASSIFICATION TO A PUD-M-18 ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present PUD-B-R zoning classification to a PUD-M-18 zoning classification:

LEGAL DESCRIPTION

Commencing at point [X: 965997.340605 Y: 747585.979212] located at the approximate intersections of the centerlines of Chatham Parkway R/W and Business Center Drive and proceeding in a Northwesterly direction along the centerlines of Chatham Parkway R/W for approximately 1040 ft to a point [X: 965864.845463 Y: 748600.753757], said point being, THE POINT OF BEGINNING thence proceeding in a direction: N 6-22-23 E, along a line for an approximate distance of: 29.141 to a point, thence proceeding in a direction: N 12-18-18 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 14-45-36 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 17-12-54 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 19-40-12 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 22-7-30 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 24-34-48 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 27-2-5 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 29-29-23 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 31-56-41 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 34-23-59 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 36-51-17 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: N 39-18-35 E, along a line for an

approximate distance of: 56.549 to a point, thence proceeding in a direction: N 41-45-53 E, along a line for an approximate distance of: 56.549 to a point, thence proceeding in a direction: S 50-57-52 E, along a line for an approximate distance of: 75.475 to a point, thence proceeding in a direction: S 50-57-52 E, along a line for an approximate distance of: 78.775 to a point, thence proceeding in a direction: S 79-33-45 E, along a line for an approximate distance of: 31.95 to a point, thence proceeding in a direction: S 45-26-39 E, along a line for an approximate distance of: 75.428 to a point, thence proceeding in a direction: S 84-17-22 E, along a line for an approximate distance of: 108.031 to a point, thence proceeding in a direction: N 61-27-36 E, along a line for an approximate distance of: 53.652 to a point, thence proceeding in a direction: N 90-0-0 E, along a line for an approximate distance of: 62.843 to a point, thence proceeding in a direction: N 59-11-3 E, along a line for an approximate distance of: 54.88 to a point, thence proceeding in a direction: N 79-26-20 E, along a line for an approximate distance of: 99.253 to a point, thence proceeding in a direction: N 81-0-10 E, along a line for an approximate distance of: 100.462 to a point, thence proceeding in a direction: N 10-42-47 W, along a line for an approximate distance of: 31.137 to a point, thence proceeding in a direction: N 40-2-30 E, along a line for an approximate distance of: 115.676 to a point, thence proceeding in a direction: N 23-5-6 E, along a line for an approximate distance of: 54.83 to a point, thence proceeding in a direction: N 17-45-39 E, along a line for an approximate distance of: 111.138 to a point, thence proceeding in a direction: N 39-48-20 E, along a line for an approximate distance of: 51.665 to a point, thence proceeding in a direction: N 47-56-8 E, along a line for an approximate distance of: 91.332 to a point, thence proceeding in a direction: N 51-33-15 E, along a line for an approximate distance of: 138.307 to a point, thence proceeding in a direction: N 42-7-1 E, along a line for an approximate distance of: 81.375 to a point, thence proceeding in a direction: N 66-51-51 E, along a line for an approximate distance of: 98.912 to a point, thence proceeding in a direction: N 87-40-42 E, along a line for an approximate distance of: 61.239 to a point, thence proceeding in a direction: S 88-48-23 E, along a line for an approximate distance of: 79.398 to a point, thence proceeding in a direction: N 81-33-51 E, along a line for an approximate distance of: 197.278 to a point, thence proceeding in a direction: S 76-52-47 E, along a line for an approximate distance of: 112.923 to a point, thence proceeding in a direction: N 56-32-5 E, along a line for an approximate distance of: 58.481 to a point, thence proceeding in a direction: N 46-21-50 E, along a line for an approximate distance of: 49.128 to a point, thence proceeding in a direction: S 46-30-45 E, along a line for an approximate distance of: 494.118 to a point, thence proceeding in a direction: S 55-22-22 W, along a line for an approximate distance of: 139.972 to a point, thence proceeding in a direction: S 55-22-29 W, along a line for an approximate distance of: 43.942 to a point, thence proceeding in a direction: S 66-25-59 W, along a line for an approximate distance of: 275.379 to a point, thence proceeding in a direction: S 71-6-0 W, along a line for an approximate distance of: 373.53 to a point, thence proceeding in a direction: S 71-6-1 W, along a line for an approximate distance of: 89.61 to a point, thence proceeding in a direction: S 71-6-0 W, along a line for an approximate distance of: 136.96 to a point, thence proceeding in a direction: S 71-50-0 W, along a line for an approximate distance of: 607.54 to a point, thence proceeding in a direction: S 73-55-42 W, along a line for an approximate distance of: 59.309 to a point, thence proceeding in a direction: S 70-21-56 W, along a line for an approximate distance of: 596.694 to a point, thence proceeding in a direction: S 69-51-49 W, along a line for an approximate distance of: 47.93 to a point, thence proceeding in a direction: S 69-44-48 W, along a line for an approximate distance of: 49.831 to a point, thence proceeding in

a direction: S 69-57-54 W, along a line for an approximate distance of: 114.19 to a point, [X: 965864.845463 Y: 748600.753757], said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number as follows:
2-0834-01-008

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 26th day of April, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 30, 2013.

MPC FILE NO.: 13-001209-ZA

RESOLUTIONS

Easement Agreement with Georgia Power Company – Victory Drive Pump Station. A resolution to authorize the City Manager to sign the easement agreement for the operation and maintenance of a sewer pump station and the installation of an emergency generator on property belonging to Georgia Power Company (PIN 2-0554-01-001). Staff is requesting approval for an Easement Agreement with Georgia Power for the operation of a sewage pump station and the installation of an emergency generator. The City originally requested an easement from Georgia Power so that it could install a generator on a 10' strip of land adjacent to the existing Pump Station No. 66 located at the intersection of Victory Drive and the Springfield Canal (PIN 2-0554-01-001). However, since no recorded easement for the pump station was discovered, an agreement was drafted to grant the City an easement for both the existing pump station and the additional land required for the installation of the generator. (Photos and a plat are attached.) Recommend approval. Upon a motion by Alderman Osborne, seconded by Alderman Thomas and unanimously carried.

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN THE EASEMENT AGREEMENT FOR THE OPERATION AND MAINTENANCE OF A SEWER PUMP STATION AND THE INSTALLATION OF AN EMERGENCY GENERATOR ON PROPERTY BELONGING TO GEORGIA POWER COMPANY (PIN 2-0554-01-001)

WHEREAS, the City of Savannah has an existing sewer pump station on property belonging to Georgia Power Company located on West Victory Drive (PIN 2-0554-01-001); and

WHEREAS, no easement for the construction, operation and maintenance of this facility has been located in the public records; and

WHEREAS, the City wishes to expand the easement area for the installation of an emergency generator; and

WHEREAS, Georgia Power Company has prepared an Easement Agreement to include the “Existing Pump Station No. 66” and “Proposed Additional Easement” as shown on an Easement Plat dated March 26, 2013 prepared by T. Dwight Strickland, GRLS No. 2561;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the City Manager be authorized and directed to execute the Easement Agreement and the Clerk of Council to attest said Deed and affix the City’s seal.

ADOPTED AND APPROVED this 30th day of May, 2013.

Patrick S. Graham. A resolution recognizing Patrick S. Graham, Executive Director of the Savannah Hilton Head International Airport, who is retiring on June 30, 2013, for 22 years of service. Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Shabazz and unanimously carried.

WHEREAS: Mr. Patrick S. Graham became the Executive Director of the Savannah Airport on January 1, 1991, and served until his retirement on June 30, 2013; and

WHEREAS: Under his planning, direction, and supervision the Savannah/Hilton Head International Airport has steadily expanded its physical facilities and increased its capacity to serve the citizens of Savannah and surrounding areas; and

WHEREAS: Because of his efforts air travel service to and from Savannah has become more and more important and beneficial to the business and industrial life of the Savannah Community; and

WHEREAS: He has been successful in his management of the total airport facility in bringing to the premises, various businesses, and industrial ventures which enhance the entire Airport complex; and

WHEREAS: In addition to his dedicated service to the Airport, he has also been an outstanding member of the Savannah community in every aspect of citizenship; and

WHEREAS: He has distinguished himself through membership and offices held in the American Association of Airport Executives, Southeastern Airport Managers Association, and Airport Operators Council International – North America; now

THEREFORE, BE IT RESOLVED, I, Edna B. Jackson Mayor of the City of Savannah on behalf of the Savannah City Council, the Savannah Airport Commission, its staff and employees express our heartfelt gratitude and appreciation to Patrick S. Graham for his many years of leadership and devotion to the development and growth of the Savannah/Hilton Head International Airport.

BE IT FURTHER RESOLVED, that at the meeting of the Savannah City Council on May 30, 2013 this resolution will be adopted and made a permanent part of the Minutes as a testimony to Patrick S. Graham's contributions to the City of Savannah as Director of the Savannah/Hilton Head International Airport.

BIDS, CONTRACTS AND AGREEMENTS

Transportation Services for Golden Age – Annual Contract – Event No. 1198. Awarding an annual contract to procure transportation services for senior citizens from JLM Services, Inc. in the amount of \$134,787.50. Recommend approval. Upon a motion by Alderman Hall, seconded by Alderman Bell this was approved per the City Manager's recommendations as follows: voting in favor, Mayor Pro-Tem Johnson, Aldermen Thomas, Osborne, Bell, Hall, and Sprague. (Alderman Shabazz recused herself and did not vote on this item)

JLM Transport Services, Inc. was awarded the previous contract based on their low bid in the amount of \$135,300.00 in 2010. MLB Transportation, Inc., located in Tucker, GA, has not previously bid with the City of Savannah. Bids were received March 12, 2013. This bid was advertised, opened and reviewed. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Senior Citizens/Other Contractual Services (Account No. 101-6117-51295). Alderman Thomas asked the City Manager if senior citizens can use this service for attending special senior event. He has personally paid for seniors to attend the Senior's Luncheon downtown. City Manager said yes, this contract can cover those types of transportation issues for Senior Citizens to senior events.

Upon a motion by Alderman Thomas, seconded by Alderman Sprague and unanimously carried, the following bids, contracts and agreements were approved per the City Manager's recommendations:

Auxiliary Power Systems and Components – Event No. 1095. Approval to procure auxiliary power generation systems and components from Pro Power Solutions in the amount of \$388,540.98. The purchase will include all labor, materials, and equipment required to install new emergency standby power generation systems and related components for utilization as standby emergency power for 22 wastewater conveyance lift stations. The emergency standby power generation system consists of a diesel engine-powered generator, a generator enclosure, a skid-base fuel storage tank, and an automatic transfer switch. Bids were received February 26, 2013. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget Capital Improvement Projects/Other Costs/Lift Station Rehabilitation (Account No. 311-9207-52842-SW0520).

Collection Services for Recorder's Court – Event No. 1091. Approval to award an annual contract for collection services to AllianceOne Receivables Management, Inc. The services will be used by the Recorder's Court of Chatham County. The company will provide this service at no cost to the Court or to the City of Savannah. The company will charge a percentage of the fines and fees collected from each defendant that must be paid in addition to 100 percent of the fines or fees in order to clear the defendant's obligation to the court. The method used for this procurement was the Request for Proposal (RFP) which evaluates criteria in addition to cost.

The criteria used for this RFP was the agency's programmable concept, capability/ability to perform, proposed staffing, and the fee schedule. A short-list of finalists was established based upon the agencies' programmable concepts, capabilities/abilities to perform, proposed staffing, and consisted of four vendors to be considered for further evaluation. All providers are excellent, experienced, financially sound companies with extensive experience with private collection services. The short-listed proposals were fully evaluated. The proposal was advertised, opened and reviewed. Delivery: As Needed. Terms: Net 30 Days. Budgetary funding is not required for this contract as there is no cost to the City or to Recorder's Court.

Laurel Grove South Cemetery – Event No. 1321. Approval to procure fence construction from Arentz General Contracting, Inc. in the amount of \$43,080.00. The fence construction will be used by the Cemeteries Department to complete a section of fence around the Laurel Grove South Cemetery. This bid was advertised, opened and reviewed. Delivery: 30 Days. Terms: Net 30 Days. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/Laurel Grove Perimeter Fence (Account No. 311-9207-52842 -CM0702).

Roofing Materials for Summer Rehabilitation Program – Event No. 1324. Approval to procure roofing materials for the summer rehabilitation program from Commercial Roofing Specialties in the amount of \$118,738.53. The roofing materials will be used for the rehabilitation of homes located throughout Savannah for neighborhood improvement. The materials will be used by the Housing Department for the World Changers Program and other volunteer organization that provide labor. This program is a part of the 2013 CDBG Action Plan and is primarily federally funded. Funds are available in the 2013 Budget, Emergency Repair/Construction Supplies and Materials, (Account No. 221-3259-51340).

TV Sewer Trucks Chassis and Bodies – Event No. 1359. Approval to procure two TV sewer trucks from Adams Equipment Company, Inc. in the amount of \$639,954.00. The TV sewer trucks will be utilized by Vehicle Maintenance to replace units 5850 and 6801 which are no longer economical to operate or repair. Video cameras are used to ensure newly constructed sewer and storm lines are built in accordance with City standards. The cameras are also used to search existing pipes for damage, blockages, and cross connections. This bid was advertised, opened and reviewed. Delivery: July 30, 2013. Terms: Net 30 Days. *J.C. Lewis Ford, a local vendor, was contacted and offered the opportunity to match the low bid pursuant to the City's local preference policy. However, the vendor declined. Funds are available in the 2013 Budget, Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Utility Body Trucks – Event No. 1365. Approval to procure three utility body trucks from Allan Vigil Ford in the amount of \$78,848.67. The utility body trucks will be used by Vehicle Maintenance to replace units 3815, 6626, and 8813 which are no longer economical to operate or repair. The bid was advertised, opened and reviewed. Delivery: 75 Days. Terms: Net 30 Days. Funds are available in the 2013 Budget, Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Annual Maintenance for Lawson – Sole Source – Event No. 1459. Approval to procure annual maintenance service for the Lawson System from Infor Global Solutions in the amount of \$169,980.76. The maintenance service will be utilized by the Information Technology

Department on the Lawson System which provides Finance, Accounts Payable, Purchasing, Budget, Human Resources, and Payroll functions. The reason this is a sole source is that Infor Global Solutions developed the Lawson software. Therefore, it is critical to have maintenance and support from the original provider to ensure authorized, knowledgeable, and timely vendor support if and when it is necessary. Funds are available in the 2013 Budget, Internal Service Fund/Information Technology/Data Processing Equipment Maintenance (Account No. 611-1140-51251).

Grit Removal System – Sole Source – Event No. 1476. Approval to procure one complete grit removal system from Hydro International in the amount of \$498,000.00. The Wilshire Water Reclamation Facility was constructed in 1989 with a vortex grit removal system incorporated into it. This system recently reached the end of its usefulness and is in need of replacement.

Grit, the heavier mineral matter found in wastewater, causes excessive wear in pumps and piping. Therefore, grit removal systems are installed in the head works portion of a treatment plant in order to prevent excessive wear and problems in downstream processes. Significant wastewater treatment process improvements have occurred at the Wilshire Treatment Facility, and during this period of evaluation, it was determined that the plant needed new grit removal process equipment. The sanitary sewer conveyance and distribution system that serves the facility has been evaluated and numerous defects have been found in the collection system. A significant amount of grit is entering the system. Therefore, a new system is needed to cure this matter because a significant amount of grit is entering our system.

After researching manufacturers of vortex grit removal systems, Water Reclamation staff determined only one manufacturer would be able to incorporate its equipment design in to the same space as the previous system. Significant costly piping changes and considerable construction effort would need to be made to install another type of system. The reason that this is a sole source procurement is that Hydro International manufactured the original system and is the only manufacturer that can provide a new system that will fit the location of the facility's original grit removal system. Funds are available in the 2013 Budget/Capital Improvements Projects/Other Costs/Wilshire Grit Removal Installation (Account No. 311-9207-52842-SW0728).

Orbis Globes – Sole Source – Event No. 1477. Approval to procure 34 40-watt Orbis 120-277 Volts Globes from Pennsylvania Globe Company in the amount of \$33,432.00. The Orbis Globes will replace existing globes at the following locations; 16 globes in Troup Square, 8 globes in Calhoun Square, 8 globes in Chatham Square, and 2 additional globes.

The reason for the sole source is that the globes are used with existing equipment and are only available from this source. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/Square Renovation (311-9207-52842-PT0902).

Pest Control – Annual Contract – Event No. 875. Awarding an annual contract to procure pest control services from Allgood Pest Solutions in the amount of \$30,504.00. The pest control services will be used for insect and rodent control at various City locations. The bid was advertised, opened and reviewed. Bids were received April 9, 2013. Delivery: As Needed.

Terms: Net 30 Days. Funds are available in the 2013 Budget, Various Departments/Building Maintenance (Account No. Various Departments-51244).

Weed Control Chemicals – Annual Contract – Event No. 1258. Awarding an annual contract for weed control chemicals to Crop Production Services in the amount of \$68,606.50. The weed control chemicals will be maintained in inventory at the Central Warehouse and will be used by Stormwater and various City departments to facilitate the management of vegetation. This bid was advertised, opened and reviewed. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Stormwater/Chemicals (Account No. 101-2104-51323) and Internal Service Fund-No Department/Inventory Central Stores (Account No. 611-0000-11330).

Savannah Gardens Vertical Demolition – Phase III – Event No. 1368. Approval to procure services for the demolition of Savannah Gardens from American Clearing, Inc. in the amount of \$290,740.00, which includes the base bid plus alternate. The alternate is for salvaging and reusing certain building products as part of this project's "green" development component. This includes the delivery of reclaimed tongue and groove roof. The work includes vertical demolition of the remaining 30 buildings within the existing Savannah Gardens development including all required structural, mechanical, electrical and hazardous material reclamation work associated with the facilities. The Minority and Women Business Enterprise (MWBE) goal for this project is 46%: 38% MBE and 8% WBE. American Clearing, Inc. submitted MWBE participation of 100%: 46% MBE utilizing JCS Associates, LLC and Boaz, LLC, and 54% WBE utilizing American Clearing, Inc. Bids were received May 14, 2013. This bid has been advertised, opened, and reviewed. Delivery: 90 Days. Funds are available in the 2013 Budget, Capital Improvements Projects/Other Costs/Savannah Gardens/SPLOST V (Account No. 311-9207-52842-PD0400).

ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS

Montgomery Beverages. A hearing for Vinay Patel to show cause why the application for a liquor, beer and wine (package) license at 1825 Montgomery Street, located between 34th Street and 35th Street in District 1, should not be denied due to prior incidents at the location, the revocation of the previous license at the location, continuing concerns about criminal and nuisance activity in the neighborhood, and the number of licenses in the trading area. **(The application has been withdrawn.)**

Taco Abajo. A hearing for Robert Hauft to show cause why his liquor, beer and wine (drink) license with Sunday sales at 217 ½ West Broughton Street, located between Jefferson and Barnard Street in District 1, should not be suspended or revoked on grounds that the operation of the establishment has constituted a nuisance requiring an unusual amount of police and enforcement activity. (Continued from May 16, 2013) Assistant City Attorney Johnson conducted the hearing. Upon a motion by Alderman Bell, seconded by Alderman Sprague the City Manager's recommendation was denied with the following voting in favor, Mayor Pro-Tem Johnson, Aldermen Bell and Sprague and Aldermen Osborne, Thomas, Hall, and Sprague voting against.

Mayor Pro-Tem Johnson: This is a quasi-judicial hearing in which we are hearing the facts of the case and introduced Attorney Johnson.

Attorney Johnson: Mayor Pro-Tem and Aldermen this is a show cause hearing for Taco Abajo. Mr. Robert Hautt, the license holder is represented by Attorney Matthew Bush, a member of our local bar. Witnesses present who will be testifying are Sergeant Andrea Williams, Judee Jones, Revenue Department, Captain Wilkins, and Officer Gratton who were involved in one of the incidents at the establishment, as well as Lisa Atwell who is a resident of Broughton Street and owns a business at the corner of Jefferson and Barnard Street. He also advised Council they have a PowerPoint presentation that will be presented as Sergeant Williams is testifying. At this time, he asked the Mayor Pro-Tem, Aldermen and Attorney Bush to have all the witnesses come forward, stand, raise their right hand and he swore them in. He told Attorney Bush he would have the right to cross-examine any of their witnesses and perhaps it would be wise for him to come inside the well right next to the podium and have his client accompany him.

Mayor Pro-Tem Johnson: Mr. Johnson, proceeding in this manner will ensure uniformity, provides the opportunity to examine your witnesses, the client's attorney can conduct any cross-examinations, and any questions from Council can be addressed as well in an orderly fashion.

Attorney Johnson: Mayor Pro-Tem and members of Council we would like to refresh your memory that Mr. Hautt is the owner of Taco Abajo located at 217 ½ West Broughton Street between Jefferson and Barnard Street. In addition to being a retail establishment, it is licensed as a restaurant and authorized to sell alcohol as well as serving food. It is a 2013 license we are hearing today. It was properly submitted to the Revenue Department and approved by this Council at the beginning of the year. The City Manager has made a recommendation for the Council to consider revocation and that's what we will proceed on at this time. Mr. Bush, just you and Mr. Hautt should remain inside the well; your witnesses can stand on the other side and you can call them up as needed. Mr. Bush, we have a preliminary matter we need to bring before Council before proceeding.

Attorney Bush: That's fine.

Attorney Johnson: Sergeant Williams, if you would proceed to the podium and please state for the record your name and your position with the Police Department.

Sergeant Williams: My name is Sergeant Andrea Williams, Savannah/Chatham Police Department. I work with Alcohol Beverage Control and I'm an Enforcement Officer.

Attorney Johnson: Are you familiar with the applicant and the business that we have referred to as Taco Abajo?

Sergeant Williams: Yes, I am sir.

Attorney Johnson: And tell the Mayor Pro Tem and Council how you became familiar with this business.

Sergeant Williams: Actually, I have prepared a PowerPoint presentation.

Attorney Johnson: Okay.

Sergeant Williams: We already identified the location of the restaurant, so proceed to the next slide.

Attorney Johnson: Sergeant Williams, will you go back to the last slide and explain to Council how the patrons enter the establishment from that photograph.

Sergeant Williams: If you look to the right there is a door that patrons utilize and on the other side of the awning there is a white door which is the exit. They have two doors that are used to enter or exit from Broughton Street.

Attorney Johnson: Have you physically been in the establishment?

Sergeant Williams: Yes, I have.

Attorney Johnson: Describe to Council what the establishment looks like when you descend those stairs from Broughton Street.

Mayor Pro Tem Johnson: Please speak a little louder.

Sergeant Williams: Okay. As soon as you walk down at the bottom of the stairs is an eating area with tables and chairs. Maybe two feet from the stairwell is a bar area; from the right of the stairwell is another bar area and there is a large rear area with a stage and seems to be where most of the dancing and activity takes place. One time when I was there I saw some pool tables and some games, but not lately. As you have already noted, they hold a business tax for a full-service restaurant and the alcohol license was approved on September 22, 2011 with no opposition and it went straight through. The current operation of the business is as a hybrid restaurant and appears to be a restaurant by day and pretty much an entertainment dancing venue by night with weekly promoted events.

Attorney Johnson: Please outline the reason you're here today for this show cause hearing.

Sergeant Williams: The reasons for the hearing are the current operation of Taco Abajo represents a threat to public safety and operates in such a manner as to constitute a public nuisance. The owner/staff failed to maintain control in and outside the establishment. Owner/staff allows the property to become a focal point for nuisance behaviors that utilized an unusual amount of police intervention to control the problems. The owner failed to take appropriate actions to prevent various foreseeable nuisance activities that occurred around the business after having been warned about the complaints and issues.

Attorney Johnson: As a result of the matters you just indicated, did the Police Chief and the City Manager make the recommendation to the department to take certain actions regarding this license holder?

Sergeant Williams: Yes.

Attorney Johnson: And as a result of that, my office issued a letter to Mr. Haft outlining the various concerns that the City had with his operations. Are you familiar with that letter?

Sergeant Williams: Yes.

Attorney Johnson: Mayor Pro-Tem, I want to mark the letter that was sent to Mr. Haft as City Exhibit 1. Mr. Haft was mailed a copy of this and we would like you to publish that to the members of Council so they can see exactly what the items are that we're discussing as we go forward.

Mayor Pro Tem Johnson: Acknowledge one letter dated May 10, 2013 to Robert Haft from Lester Johnson.

Attorney Johnson: Now Sergeant Williams if you would go through the items/slides that brings us here today.

Sergeant Williams: These are some of the complaints and issues that our office and Judee Jones of Revenue received that are mainly about their business operations: loud music/obtrusive noise, loitering and disorder, large crowds, soliciting passer-byes on the sidewalk, seems to be no control especially around the entrance doors with large scale events, and inadequate security. From the management and owner side, they have spoken to Mr. Haft and he refuses to apply for a hybrid permit because he feels his business is a full-service restaurant. On several occasions I have gone in there and saw more dancing and entertainment than food service, but the design of our ordinance prevents us from forcing him to become a hybrid and he refuses because he said he operates as a full-time restaurant. He appears to have a hostile and adversarial attitude toward city officials and we have someone here to testify to that. I have not personally experienced hostility, but more anger due to our presence at his establishment. He failed to follow his own security plan after an administrative meeting, saying they would keep the door closed because of loud music and hire additional security which was not done. He also failed to take appropriate actions to prevent foreseeable nuisance activities after being informed at the review meeting.

Specific complaints and issues from neighboring businesses and residents are: June 12, 2012 through May 2013 neighboring business complained about loud music starting at 7:00 p.m. through the close of business; December 28, 2012 a neighboring business complained of loud music from a live band during the 912 Fest – All Age Event which was publicized in the paper; January 2013 citizens complained of loud music from live band and a large crowd loitering in front of business; February 2013 neighboring business complained of losing customers from loud music, obtrusive noises and unruly patrons hanging in front of business entrance and this person will testify today; May 6, 2013 neighboring business complained of a van parked in front of business with blinking strobe lights and loud music and also 15-20 patrons loitering in front of business; also on May 6, 2013 citizens complained about loud music emitting from business that had entrance door wide open.

Attorney Johnson: Some of these items were discussed with Mr. Haft and with his attorney present at the meeting held at Police Headquarters is that correct? And he agreed at that time to address those issues did he not?

Sergeant Williams: Yes he did.

Attorney Johnson: Please continue with the next slide.

Sergeant Williams: The meeting I am referring to is what we call an Administrative Review Meeting. We usually hold this type of meeting when we receive a lot of complaints about a business. This is us being proactive, doing due diligence and offering voluntary compliance as opposed to citing a business for any type of violation. This was a meeting held on February 12, 2013 at Police Headquarters along with Mr. Haft, his Assistant Manager Donnie Simmons, Attorney Matthew Bush, Lisa Atwell, one of the residents who lodged a complaint, City staff and myself, the Citizen Office, and Assistant City Attorney Lester Johnson. We discussed current business operations and promoted events, loitering, crowds, and disorder in front of the business, loud music and obtrusive noises, soliciting and advertising on city right-of-way, and a security plan and off-duty police security. After the meeting, Mr. Haft agreed to provide us with a revised security plan that would address all our concerns and complaints and would hire police during large scale events.

Significant police events: February 3, 2013 at approximately 0230 hours, police responded to Taco Abajo because a large panic-stricken crowd was running onto Broughton Street from what the crowd perceived as gunshots, but later turned out to be a blown speaker. A Tactical Alert system was utilized to maintain control. April 12, 2013 at approximately 0100 hours, police responded to Taco Abajo for loud music and crowd control. They observed a crowd over 100 outside the establishment and were cited for occupancy violation. The occupancy limit is 299 and the Fire Marshall counted 370. A Tactical Alert was again utilized to maintain control.

Attorney Johnson: Sergeant Williams, can you address for the Mayor Pro-Tem and Council whether or not that issue was discussed at the Administrative Review Meeting regarding having someone control the numbers at the door?

Sergeant Williams: Yes, we did talk about that and he said he would have someone with a clicker to count them. Another significant event was April 14, 2013 at approximately 0230 hours, police responded to a fight in front of Taco Abajo involving a gun, then moments later to a fight inside the establishment. An Officer was attacked while handling the fight and will testify today regarding the altercation. Tactical Alert was utilized.

Attorney Johnson: And that attack occurred in the business of Taco Abajo is that correct?

Sergeant Williams: Yes. The next slide shows some flyers from their promoted events. This is the April 12th Pre-Orange Crush event and the next slide is the actual Orange Crush event held April 13th. We felt there was no control around the door as people crowded around wanting to get in. The next slide shows the room where everyone likes to dance and no one was eating in

the section at the bottom of the stairs as most like to go into the other room. The next slide is a pie chart showing the miscellaneous calls for service from September 2011 – May 2013.

Attorney Johnson: What other departments have you worked with in dealing with Taco Abajo?

Sergeant Williams: The Revenue Department and Citizen Office.

Attorney Johnson: Mayor Pro-Tem and Aldermen, we have no more questions for Sergeant Williams at this time and opposing counsel can cross-examine.

Mayor Pro-Tem Johnson: We will now allow cross-examination so please step up to the microphone.

Attorney Bush: Since there are several allegations listed with a general date, I asked Sergeant Williams if there was a specific alleged incident or just this general allegation included with this statement.

Sergeant Williams: The ones with specific dates are accurate and some only the listed month and year are known.

Attorney Bush: Okay. Other than the general allegations contained therein, do you have any details on the earlier ones?

Sergeant Williams: No, not any specific details but just what was in the complaint.

Attorney Bush: Also were there any citations issued for Taco Abajo for those general times?

Sergeant Williams: No, he just got a warning and then the one from the Fire Marshall.

Attorney Bush: Regarding the warning and the citation, you said someone other than you would discuss that?

Sergeant Williams: Yes.

Attorney Bush: When you went to the establishment at night, did you know the kitchen to be closed?

Sergeant Williams: I would ask if the kitchen was open and he would say yes, but I didn't see very much kitchen activity.

Attorney Bush: The business is on Broughton Street, is that correct? And are there other restaurants and bars in this area as well?

Sergeant Williams: Yes.

Attorney Bush: Do these establishments have people lined up in front of their business?

Sergeant Williams: Yes, but the people are not crowded around the entrance trying to get in.

Attorney Bush: Does the Crip and McDonald's have a lot of people outside their business?

Sergeant Williams: Yes, they do.

Attorney Bush: You indicated that the security plan was not being followed. Do you have specific knowledge about security operations at Taco Abajo or is that somebody else?

Sergeant Williams: No, he provided us with his own security plan.

Attorney Bush: He in fact uses both private and police security doesn't he?

Sergeant Williams: During incident times I didn't observe any private security and I know there wasn't any off-duty police security. They are there now, but not during the specific incidents I referred to.

Attorney Bush: During those times, you didn't observe the private security?

Sergeant Williams: I recognized the private security because their shirts had security printed on them. They didn't appear to have a handle on things outside and there were no established lines, but downstairs seemed to be monitored and more controlled.

Attorney Bush: Were you at the meeting in February and do you recall at that time Taco Abajo had people controlling the outside but the City requested that we do that downstairs by the door?

Sergeant Williams: Yes, I was at the meeting. He made reference to keeping the numbers down by monitoring the downstairs door. He said he would have someone walk around outside, but his main focus was controlling inside. We insisted that his issues were outside and did ask him to keep the door closed due to the loud music.

Attorney Bush: In reference to the crowd control issue outside, it is my recollection that he was asked not to have someone stand up at the top to bring someone down, do you recall that?

Sergeant Williams: No, I don't.

Attorney Bush: Are you familiar with the meeting he had with the City after February 12th when he asked if he could take people back down as he had previously been doing?

Sergeant Williams: I met with him during the Orange Crush Event and told him the problem was outside and that's where he needed to put someone.

Attorney Bush: Are you familiar with the request to have police at the Orange Crush event?

Sergeant Williams: No, but we spoke to him about hiring police security and how to do it. I work in the office where that takes place and I don't think he took our advice and followed the correct protocol. I think he asked officers on the street that he knew to work for him.

Attorney Bush: Did you know he did made the request and was told he had to add the police department as an additional insured on his workers comp policy and that is what caused the delay with getting officers for February 12th?

Sergeant Williams: No, I did not.

Attorney Bush: Were you aware of the workers comp/insurance requirement?

Sergeant Williams: I know a business has to have valid insurance coverage for police security, but I was not aware of the workers comp condition.

Attorney Bush: We just discussed failing to hire off-duty police security. After that event he did hire off-duty police security did he not?

Sergeant Williams: Yes, he did.

Attorney Bush: Were you privy to the discussions between him and the Police Department in trying to get that arranged?

Sergeant Williams: I know that someone called, but he never called himself to make the security arrangements. Since he is the license holder we would expect him to make the call.

Attorney Bush: Was he also advised that he had to pick out the officers?

Sergeant Williams: No, he didn't have to pick them out but he could make a recommendation for specific officers.

Attorney Bush: Do you know if the police on occasion had conducted a decibel noise level check at Taco Abajo prior to their meeting in February?

Sergeant Williams: Yes, Mr. Hauft told me about that, but I wasn't aware of it.

Attorney Bush: The incident regarding possible gunshots actually turned out to be a blown speaker, is that correct? The police were already in the area responding to an incident at the Crip is that correct?

Sergeant Williams: Yes, it turned out to be a blown speaker. The police were already in the area, but I do not know why.

Attorney Bush: Thank you Sergeant.

Mayor Pro-Tem Johnson: Are there any questions or commentary from Council?

Alderman Osborne: The gunshots actually turned out to be a blown speaker, is that correct? If the doors were kept closed would that eliminate the noise and were measurements taken?

Sergeant Williams: Yes it turned out to be a blown speaker. He said measurements were taken, but I have no knowledge of that, but if the doors were closed that would diminish or lessen the noise emitted from the loud music.

Alderman Shabazz: On April 12, 2013 there were approximately 370 persons in the establishment, and according to our ordinance, no more than 299 are allowed for occupancy limits, is that correct?

Sergeant Williams: Yes, his Certificate of Occupancy has a 299 occupancy limit.

Alderman Shabazz: Can you explain the graph showing calls of service for the surrounding businesses, and can you go back to the slide showing other businesses like McDonalds and The Crip? Are these miscellaneous calls? And only one call was for nuisance?

Sergeant Williams: Yes, calls of service are 911 calls for miscellaneous issues and dispatch sends someone out to respond. Yes, there was only one call for nuisance for Taco Abajo.

Alderman Hall: Are people that line up in front of this business usually disorderly and rowdy? People line up in front of other restaurants like Lady and Sons in that area and the lines even wrap around the corner. This is a popular place for young people and I won't vote to close this establishment at this time.

Sergeant Williams: The patrons of Taco Abajo are not always disorderly, but they do tend to crowd around the entrance.

Alderman Thomas: A lot of people were forced outside due to no smoking laws like our Breathe Easy ordinance that prevented them from smoking inside. He has been to The Crip and that establishment has higher numbers than Taco Abajo. There are other clubs with more serious problems that should have been called for a show cause hearing, but so far haven't.

Mayor Pro-Tem Johnson: Does the administrative review process catch some of these issues?

Attorney Johnson: The Crip had a higher number of calls because it was under a cease and desist order. Five residents who lived above the club were told to keep a log and call the police each and every time there was a noise complaint which accounts for the discrepancy.

Alderman Shabazz: Was Taco Abajo given the opportunity to work a plan?

Attorney Johnson: Yes, but the owner has violated his own operational plan so there is a big difference between the clubs.

Mayor Pro-Tem Johnson: How many exit doors does the establishment have and what are the dangers with having 370 people in this establishment? Would that be a safety issue?

Sergeant Williams: I believe there are 3 or four doors that serve as entrances and exits. The Fire Marshall would have information on occupancy and exit routes, but yes that would definitely be a safety issue.

Attorney Johnson: We will now call Captain Mike Wilkins. Please state your name and position with the Police Department.

Captain Wilkins: My name is Mike Wilkins and I am Captain of the Downtown Precinct.

Attorney Johnson: Captain Wilkins when did you personally become aware of issues at Taco Abajo?

Captain Wilkins: I received an email on February 3rd that listed the complaints and public safety issues.

Attorney Johnson: As captain of the Downtown Precinct, please tell Council any other concerns you are aware of regarding this establishment.

Captain Wilkins: The early morning incident involving an SUV parked in front of Taco Abajo and emitting loud music brought about outside crowd issues and other complaints. We have also asked the Fire Marshall to go to the establishment and conduct an assessment to see if there are occupancy violations. I met with Mr. Hauft about the ongoing issues and complaints and also suggested utilizing the police as a preventive measure.

Attorney Johnson: Did you discuss how to control the large numbers that patronize that club?

Captain Wilkins: Having a counter at the front door to monitor and control the crowds was discussed along with incorporating off-duty officers into their security force.

Attorney Johnson: Are you familiar with the incident involving the officer that was attacked in the actual establishment? Were you at the meeting in February where the noise complaints and other issues were discussed?

Captain Wilkins: Yes to both questions.

Attorney Johnson: I have no further questions of this witness.

Attorney Bush: I have just a few brief questions. Were you there the night the vehicle was in front of Taco Abajo? And was the car affiliated with the restaurant?

Captain Wilkins: I was there that night. I don't believe the car was associated with the establishment itself, but it was entertaining the patrons in line to enter.

Attorney Bush: Were you there because of the vehicle in question?

Captain Wilkins: No, I was in the vicinity, heard the call on the radio and went to investigate.

Attorney Bush: Did the police call this in?

Captain Wilkins: There are several businesses in the area that utilize security and off-duty officers so I don't know who initiated the call. The call was for loud noise emanating from the vehicle in front of Taco Abajo.

Attorney Bush: Did Mr. Haft request the meeting in February that you and Attorney Johnson discussed?

Captain Wilkins: I think he did, but I'm not sure.

Attorney Bush: In your experience, has he been eager and willing to work with you?

Captain Wilkins: Yes he has.

Alderman Sprague: Captain Wilkins, considering the security he has at the establishment, would you be comfortable if you had a 21 year old daughter going to Taco Abajo?

Captain Wilkins: Yes, I feel better about the establishment now because they currently employ security and off-duty police officers. They also seem to cater to 18-25 year olds and there are not many places for them.

Mayor Pro-Tem Johnson: In your opinion, is hybrid a better definition for this establishment?

Captain Wilkins: It would seem to.

Alderman Thomas: Captain Wilkins, tenants should know what they're renting or buying when they move to the downtown area since it's a mix of residential and business. They should do their own due diligence. Do you believe this bar has made improvements?

Captain Wilkins: I believe they have made a concerted effort to improve their operations.

Alderman Bell: What constitutes a public nuisance?

Captain Wilkins: Repeated incidents that require assistance from the police equal a nuisance.

Mayor Pro-Tem Johnson: Next witness.

Attorney Johnson: Please state your name and your position with the Police Department.

Officer Gratton: Officer Gratton.

Attorney Johnson: Were you dispatched to what we are calling Taco Abajo back in April?

Officer Gratton: Yes, I was dispatched on April 14, 2013.

Attorney Johnson: What was the basis of the dispatch?

Officer Gratton: It was originally for a fight outside, and to try and restore order.

Attorney Johnson: Describe what you saw when you arrived at 217 ½ W. Broughton Street.

Officer Gratton: When I first arrived, several people were outside fighting, being aggressive and using profanity. We tried to break up the crowd and in the process of doing this one of the officers came outside and asked for assistance inside. When we got downstairs, we asked everyone to leave the premises. One individual, who appeared to be intoxicated and acting very belligerent, told me he wasn't going anywhere. I proceeded to escort him up the stairs, but he began to resist and struggle, ignoring all my commands and becoming very disorderly. I tripped right by the door, he fell under me and as I was attempting to place handcuffs on him his cousin jumped on my back and started choking me. I instinctively safeguarded my revolver while other officers pulled his cousin off my back. While still on the ground he tried to grab my neck, but another officer struck him with a closed-hand fist. At that point, the subject was fully compliant and I was able to place him in handcuffs. He was also evaluated by EMS and then sent to CCDC.

Attorney Johnson: Officer, how many private security personnel were there when you arrived that morning?

Officer Gratton: When I arrived all I saw was a doorman, but our focus was on quieting the crowd, controlling the fray and restoring order. It was the doorman who said we were needed downstairs in the establishment.

Attorney Johnson: Was the doorman wearing any clothing that identified him as a security officer?

Officer Gratton: He had on a black shirt with security printed on it.

Attorney Johnson: When you went down into the establishment did you see any other security personnel?

Officer Gratton: I only saw one other security officer, but I was concentrating on the issue at hand.

Attorney Johnson: Can you estimate how many people were in the basement area of the club when you arrived regarding the fight?

Officer Gratton: There were over 100 people still down there while we were trying to clear it out.

Attorney Johnson: You said this was approximately 2:55 a.m.?

Officer Gratton: My report says 2:15 a.m.

Attorney Johnson: You were surrounded by 50-60 people while you were attempting to subdue the subject; is that correct?

Officer Gratton: Yes.

Attorney Johnson: Were there any off-duty police officers there when you arrived at 2:15 a.m.?

Officer Gratton: Not at that time.

Attorney Johnson: Did you see Mr. Hautt when you went down to the basement?

Officer Gratton: I saw him after the incident was over and that's when I actually met him. We talked about it and he appeared concerned.

Attorney Johnson: Were any arrests made at that time?

Officer Gratton: Yes, two - the individual who resisted and the one who jumped on my back.

Attorney Johnson: Is this case still pending?

Officer Gratton: Yes it is. I just went to court last week and it got continued.

Attorney Johnson: Is this the only call you received for Taco Abajo?

Officer Gratton: Yes it is.

Attorney Johnson: No more questions for this witness.

Attorney Bush: Weren't you originally called for another incident?

Officer Gratton: I was originally called for a fight outside 217 ½ W. Broughton Street.

Attorney Bush: Do you recall where outside the fight was going on?

Officer Gratton: It was probably feet away from the door.

Attorney Bush: Did you ask anyone how the fight started?

Officer Gratton: I didn't speak to anyone about it.

Attorney Bush: You were asked by their club's security to assist downstairs?

Officer Gratton: Yes.

Attorney Bush: When you got downstairs, were most people compliant?

Officer Gratton: Yes, but it was apparent a lot of people were intoxicated.

Attorney Bush: Where did the individual jump on your back?

Officer Gratton: At the top of the stairs.

Attorney Bush: Was this the only call you made to Taco Abajo?

Officer Gratton: Yes.

Attorney Bush: How long have you worked for the Police Department?

Officer Gratton: I got hired September 2012.

Attorney Bush: Thank you.

Mayor Pro-Tem Johnson: Any questions?

Alderman Shabazz: Are the persons in jail that attacked you?

Officer Gratton: No ma'am, they've been released and the court case is still pending.

Alderman Shabazz: Have you been called to the downtown area for fights at similar establishments?

Officer Gratton: Yes.

Mayor Pro-Tem Johnson: Were you injured? Do you recall the ages of the individuals? Did any security personnel offer assistance? Did you feel your safety was compromised?

Officer Gratton: No, I was not hurt. Both were 22 years old and were related. Yes, security helped when I was downstairs, but I did feel my safety was at risk.

Alderman Hall: Do you think it would have been that serious if alcohol wasn't involved?

Officer Gratton: I think it would have been reduced and less threatening.

Attorney Johnson: If there had been off-duty police officers there would there have been a need to call you?

Officer Gratton: I think the off-duty police officers could have handled the situation without needing backup.

Attorney Johnson: Can you explain what you meant when describing the individual as being heavily intoxicated?

Officer Gratton: He had red glossy eyes, smelled like alcohol, and was unable to keep himself steady. He kept swaying, but was still able to stand upright

Attorney Johnson: No more questions.

Attorney Johnson: Please state your name and position with the City.

Judee Jones: Judee Jones, Revenue Administrator.

Attorney Johnson: Ms. Jones are you familiar with the business called Taco Abajo?

Judee Jones: Yes I am.

Attorney Johnson: Please explain for Council what license was approved for the establishment in 2013.

Judee Jones: He was approved for retail beer, liquor, wine and Sunday sales for a restaurant.

Attorney Johnson: What is considered a hybrid restaurant?

Judee Jones: The ordinance defines a hybrid restaurant as transforming from a full-service restaurant to a bar. You can change your seating capacity and your menu.

Attorney Johnson: Was this your recommendation to Mr. Hauft and if so why?

Judee Jones: Yes that was recommended to him in January. I told him that based on things I had heard and from my own observations he was operating as a hybrid. He felt he could remain as a restaurant because he had a kitchen and it was open which the ordinance does state.

Attorney Johnson: When did you start receiving complaints about Taco Abajo? And where did these complaints come from? Were they similar complaints? What were the complaints?

Judee Jones: I started receiving complaints in December 2012 from Lisa Atwell and Urban Outfitters. They were similar complaints about noise.

Attorney Johnson: Did Mr. Hauft submit an operational plan?

Judee Jones: Yes he did.

Attorney Johnson: Did you mandate that he submit this plan to the Revenue Department?

Judee Jones: No, I did not. He submitted his operational plan during their February 2012 meeting.

Attorney Johnson: Mayor Pro-Tem and Aldermen, we would like to introduce as City Exhibit 2 his operational plan dated February 21, 2013.

Mayor Pro-Tem Johnson: So noted.

Attorney Johnson: Is Taco Abajo in violation of his own operational plan?

Judee Jones: Yes.

Attorney Johnson: Please state for Council the items of violation.

Judee Jones: The areas of violation are comprised of security personnel that include off-duty police officers and civilian security, policies, event schedule, and video surveillance.

Attorney Johnson: When you were downstairs at the establishment, was he in compliance with the Fire Code or the occupancy levels?

Judee Jones: Yes he was.

Attorney Johnson: When was the last time the Revenue Department received a complaint from Urban Outfitters?

Judee Jones: I don't have an exact date, but in early April.

Attorney Johnson: Is the department still receiving complaints?

Judee Jones: Yes.

Attorney Johnson: Do you know when the off-duty officers began working at the establishment?

Judee Jones: It's been about 3 weeks.

Attorney Johnson: No further questions for this witness.

Mayor Pro-Tem Johnson: Mr. Bush your witness.

Attorney Bush: Was there a new application for the restaurant in January?

Judee Jones: Yes, it was a renewal application.

Attorney Bush: Did you talk to Mr. Hauft about that in December?

Judee Jones: Yes, from what we observed we were recommending that he apply for a hybrid.

Attorney Bush: When he stated his establishment was a full-service restaurant you evaluated that renewal application and granted it; is that correct?

Judee Jones: Yes, that's correct.

Attorney Bush: You observed 6 security personnel? Would 6 security personnel for every 50 people satisfy the occupancy levels?

Judee Jones: Yes to both.

Attorney Bush: Thank you.

Mayor Pro-Tem Johnson: Any questions from Council?

Alderman Bell: Is an establishment responsible for the perimeter of the premises as well as the interior?

Judee Jones: Yes.

Alderman Shabazz: Do you know if things have gotten better at the establishment?

Judee Jones: I'm not sure because I haven't been back there recently.

Alderman Sprague: Who is responsible and who monitors noise levels?

Attorney Johnson: The Police and Zoning.

Mayor Pro-Tem Johnson: Why are French barricades needed for this restaurant?

Judee Jones: To maintain crowd control at their establishment.

Mayor Pro-Tem Johnson: Your next witness.

Attorney Johnson: Please state your name and position with the City.

Inspector Odom: Inspector Lorie Odom, Downtown Enforcement with the Citizen Office.

Attorney Johnson: Briefly explain what the Citizen Office does.

Inspector Odom: We handle numerous complaints in the downtown area concerning zoning, sanitation and property maintenance.

Attorney Johnson: When did your office become aware of any complaints for Taco Abajo?

Inspector Odom: The first was a hawking complaint on September 12, 2012.

Attorney Johnson: That item was addressed when we met with Mr. Hauft, is that correct?

Inspector Odom: Yes it was.

Mayor Pro-Tem Johnson: Can you give a definition of hawking?

Attorney Johnson: We actually have an ordinance that prohibits a business from hawking or trying to generate business on a city right of way. I believe Ms. Odom advised them they were in violation of the ordinance and that did stop. Ms. Odom, you can testify to that.

Inspector Odom: Yes, it did.

For the noise complaints, I decided to be proactive and went to the establishment to give Mr. Hauff a courtesy notice for the noise ordination. He became very hostile, yelling and screaming, and I decided to leave the premises. He followed me up the stairs; I got into my vehicle and drove away. When I was about a block away, Mr. Hauff called my cell phone and continued his yelling and ranting. That night, subsequently the police were dispatched to the establishment for a noise complaint.

Attorney Johnson: Inspector Odom compiled a chronological list of complaints and we would like to introduce it as City Exhibit 3.

Mayor Pro-Tem Johnson: So noted. Taco Abajo, City Exhibit 3.

Attorney Johnson: Ms. Odom, since everyone doesn't have a copy of Exhibit 3 please synopsize the list and provide dates.

Inspector Odom: She summarized the list of complaints from City Exhibit 3.

Attorney Johnson: Ms. Odom, I will mark as City Exhibit 4 and give to the Mayor Pro-Tem, the courtesy notice that you tried to deliver to Mr. Hauff.

Mayor Pro-Tem Johnson: So noted. City Exhibit 4, City of Savannah, Local Ordinance Citation.

Attorney Johnson: Can you briefly advise Council on what the Citizen Office does when not just Taco Abajo, but other clubs as well violate the noise ordinance.

Inspector Odom: The ordinance does state that anything heard outside of your property boundary lines is against the noise ordinance.

Attorney Johnson: Have other clubs on Broughton Street in particular been cited for and come into compliance with our noise ordinance?

Inspector Odom: The time since I've been with the Citizen Office, July of last year, I have not personally had any dealings with them.

Attorney Johnson: Please continue with reading the list.

Attorney Johnson: Did you have an opportunity to speak to senior management at Urban Outfitters to see if their employees would be allowed to testify today?

Inspector Odom: Yes, their corporate office would not allow them to testify.

Attorney Johnson: Are you still receiving complaints regarding Taco Abajo?

Inspector Odom: I have not received anything recently.

Attorney Johnson: No further questions.

Mayor Pro-Tem Johnson: Mr. Bush.

Attorney Bush: Were you at the meeting we had February 12th and most of the things on this list were prior to that meeting.

Inspector Odom: Yes to both.

Attorney Bush: In recent history, have you had any kind of issues brought to your attention?

Inspector Odom: No, not since the threat was made to Urban Outfitters.

Attorney Bush: And they're not here to talk about that or if this was overblown, right?

Inspector Odom: Correct.

Attorney Bush: The document that you indicated you brought to Mr. Hauft; this was not a citation correct?

Inspector Odom: Yes, if you'll notice at the top there's an X next to Courtesy Notice.

Attorney Bush: Right. This was given to him at 11:07 a.m. There doesn't appear to be any details about what the actual incident was as the source of the problem.

Inspector Odom: Correct. As I stated, this wasn't about an incident. I was advising him about the noise ordinance since they were going to have several bands in there.

Attorney Bush: Okay and this is in a central business district where there will be noise from various facilities in the area, correct?

Inspector Odom: Correct.

Attorney Bush: The B & D Burger facility by Bay Street has an outdoor theatre, correct?

Inspector Odom: Correct.

Attorney Bush: And they play football games all summer into the fall correct?

Inspector Odom: I haven't been there so I'm not sure.

Attorney Bush: So obviously there sound is going outside their speakers are outside correct?

Attorney Johnson: I'm not aware so I can't testify to that.

Attorney Bush: This document here that you wanted him to sign says "Signature acknowledges service of this summons and receipt of copy of same." This wasn't a summons, was it?

Inspector Odom: Correct, as I explained to him this was a courtesy notice and it does have courtesy notice checked on the top.

Attorney Bush: Yes, but the signature acknowledges that it's a summons.

Inspector Odom: The signature acknowledges that he received that paper.

Attorney Bush: Well, if I'm just a regular citizen looking at this, I will be confused by it won't I?

Inspector Odom: If it wasn't explained to you beforehand, yes sir.

Attorney Bush: Well in this day and age what you sign and what you say are often two different things. What the signature indicates is that he's received a summons doesn't it?

Inspector Odom: Well, if you also notice that the summons part is Xed out on it.

Attorney Bush: Well, isn't the whole thing a summons?

Inspector Odom: No sir, it says courtesy notice at the top.

Attorney Bush: Okay, can you understand the possible confusion about signing something like this that someone is not familiar with?

Inspector Odom: Right. I explained to him that it was just a courtesy notice to advise him beforehand.

Attorney Bush: I understand. Was this the first time you two had met?

Inspector Odom: Yes it was.

Attorney Bush: No more questions.

Mayor Pro-Tem Johnson: Questions from Council.

Alderman Thomas: Regarding the noise ordinance - many of the establishments in the downtown area are in violation of this because their music can be heard outside their property. I think the City staff needs to improve the ordinance so that we are not punitive against live music in our historic district. Regarding the hawking ordinance, what is the difference between trying to generate business for a bar and a person at a City right-of-way selling the Savannah Morning News? This ordinance allows folks to cherry-pick who to enforce it upon and we need to be careful about that.

Alderman Sprague: Were you wearing your badge when you spoke to Mr. Hautt? What happened when you tried to give him the document? Our downtown residents do have rights, but we need to decide if we still want downtown residents.

Inspector Odom: Yes, I was wearing my badge. When I showed him the document, he went ballistic, said the woman across the street was the only one complaining, became very belligerent and that's when I left.

Alderman Shabazz: Can you clarify the statement about underage customers and how they determined they were underage?

Inspector Odom: This was passed to me from 311 on September 22, 2012 and the complaint was about loud music and underage customers. Since it is a restaurant with mixed patrons, I don't know how they determine if one is underage.

Attorney Johnson: That's all we have for her and our last witness is Ms. Atwell.

Attorney Johnson: Please state your name and your business address.

Ms. Atwell: My name is Lisa Atwell and my business is directly across the street from Taco Abajo. We have two condos that we lease out for short and long-term stays. My tenants call me and I in turn call the police. When I spoke to Robert he told me that he was not responsible for people after they left his establishment, he then became belligerent and I once again called the police. She read a letter from a tenant dated February 6, 2013.

Attorney Johnson: I would like to submit the letter she just read as City Exhibit 5.

Mayor Pro-Tem Johnson: So noted. Letter dated February 6, 2013 from Jessica Britton to Lisa Atwell, City Exhibit 5.

Attorney Johnson: Ms. Atwell, how often have you had to call the Citizen Office, Zoning, or the Police for disturbances from Taco Abajo?

Ms. Atwell: Probably 4 or 5 different times.

Attorney Johnson: Were you aware that he now has off-duty police officers?

Ms. Atwell: No, I wasn't.

Attorney Johnson: Have you personally seen any change in the complaints or disturbances since April?

Ms. Atwell: I have not had anybody come to me and complain since then.

Attorney Johnson: At a February meeting we requested that the door be closed. Were there occasions when the door was closed that you did not hear loud noise from the establishment?

Ms. Atwell: I was told the door was propped open.

Attorney Johnson: That's all we have of this witness.

Mayor Pro-Tem Johnson: Mr. Bush

Attorney Bush: As I understand it, the incidents were recounted to you by other people. You have a business license and these are your short and long-term tenants.

Ms. Atwell: Yes.

Attorney Bush: You're not talking about anything you have observed personally?

Ms. Atwell: No, I'm usually in bed and he has told me. I have driven by there at night, but it was probably when there wasn't a live band. I'm directly across the street and rarely see anyone go in there to eat during the day.

Attorney Bush: What time do you close? Do you leave after that? Do you live somewhere else?

Ms. Atwell: 5:00 p.m. Yes, I leave after that and I live across town.

Attorney Bush: Do you understand that this area is a zoned central business?

Ms. Atwell: Does that mean it is also zoned for residential?

Attorney Bush: Do you understand that businesses have a right to be there as well?

Ms. Atwell: Yes and I don't have a problem with businesses as long as they control their noise and the crowds.

Attorney Bush: No further questions.

Attorney Johnson: Submitting City Exhibit 6 and that will be all the exhibits we will be submitting at this time.

Mayor Pro-Tem Johnson: So noted. Crime Report-Simple Battery, City Exhibit 6. Okay Mr. Bush, your case sir.

Attorney Bush: We are cognizant of the time, there are several general allegations but we would like to address some of the specific ones and respond to items from the May 10, 2013 letter.

Mayor Pro-Tem Johnson: Mr. Bush, we want to ensure that you are given sufficient time to state your case.

Attorney Bush: Mr. Haft, if you could identify yourself.

Mr. Haft: Robert Haft, owner of Taco Abajo.

Attorney Bush: How long have you been an owner of the establishment?

Mr. Haft: Since we opened in 2011.

Attorney Bush: Have you had an opportunity to review the statutes and ordinance on hybrid versus restaurants?

Mr. Haft: Yes I have.

Attorney Bush: Do you understand that one of the provisions deals with dining versus the bar activity that you have?

Mr. Haft: Well, the regulation basically states that we're required to have a full menu and a kitchen open until we close.

Attorney Bush: Do you have a kitchen that is open and is that a primary focus until you close?

Mr. Haft: Absolutely.

Attorney Bush: Are there a lot of people that come there to eat because other places are closed?

Mr. Haft: Yes.

Attorney Bush: Have you done a financial analysis of the business? What was your background prior to owning Taco Abajo?

Mr. Haft: Yes. I was a financial advisor.

Attorney Bush: Have you used some of that analysis for your business here?

Mr. Haft: Yes.

Attorney Bush: Have you done an analysis of your restaurant activities versus your bar activities and what did you find?

Mr. Haft: Our sales are approximately 60% food and 40% alcohol, which was just audited by the Revenue Department this past week.

Attorney Bush: That's the same entity that talked earlier?

Mr. Haft: Yes.

Attorney Bush: Did they find anything different?

Mr. Haft: I haven't heard back from them yet?

Attorney Bush: Do you keep your tables and chairs in the same area when you have events?

Mr. Haft: Yes, we do.

Attorney Bush: Explain to Council how the occupancy incident on April 11th came about.

Mr. Haft: Prior to the February 12th meeting, we had a security person outside. We were told at that meeting outside security contributed to the long lines and a decision was made at that meeting to try a different strategical plan.

Attorney Bush: Was that the only time you were over the occupancy limit?

Mr. Haft: Yes.

Attorney Bush: Has there been a time when your restaurant hasn't had security?

Mr. Haft: Not since we've been having concerts; since we opened up the second time.

Attorney Bush: Is the amount of security personnel in keeping with your plan you provided to the City?

Mr. Haft: We try to exceed it, and actually have seven security personnel.

Attorney Bush: Did you have repeated discussions with the City regarding loud music?

Mr. Haft: At the February meeting, we were asked to keep the doors closed. The doors are only opened when patrons come in or go out.

Attorney Bush: Has anyone with a decibel meter come to check the noise level?

Mr. Haft: Yes. The music was turned up high, they went out to the street and said it was okay.

Attorney Bush: Can you explain the incident when you received the courtesy notice?

Mr. Haft: I was not happy with the visit, but not as belligerent as stated. I did ask for more detailed information about the complaint.

Attorney Bush: Have you tried to comply with the City's requests?

Mr. Haft: Yes.

Attorney Bush: It's been stated that you didn't have your own security at the Orange Crush event; is that correct?

Mr. Haft: No we had seven security personnel on site.

Attorney Bush: Have you secured the Declaration of Liability Insurance?

Mr. Haft: Yes.

Mayor Pro-Tem Johnson: Certificate of Liability Insurance, Certificate Holder is Savannah Chatham Metropolitan Police Department, Savannah, GA.

Attorney Bush: Since obtaining workers compensation insurance for the Police Department, have you utilized them since that time?

Mr. Haft: Yes, twice a week since then.

Attorney Bush: Have you continued to utilize your private security as well?

Mr. Haft: We have.

Attorney Bush: At any time since the February 2013 meeting have you violated your agreement with the City?

Mr. Haft: No.

Attorney Bush: On April 10, 2013 a vehicle with loud music was in front of your business. Was this vehicle in any way affiliated with your restaurant?

Mr. Haft: No, it was actually parked illegally.

Attorney Bush: Did anyone from your restaurant ask them to turn down their music?

Mr. Haft: Yes, multiple times.

Attorney Bush: On April 12, 2013 were there approximately 100 people outside your restaurant?

Mr. Haft: Yes, we didn't have our outside security due to City's request at the February meeting.

Attorney Bush: Was there a fight in front of your restaurant on April 24, 2013 and did you witness it?

Mr. Haft: Yes, I witnessed a fight but the people were not patrons of Taco Abajo.

Attorney Bush: There was a complaint about a van with strobe lights and loud music parked in front of your restaurant around 2:00 a.m. on May 6, 2013.

Mr. Haft: The van was from KISS FM, it was gone by 12 midnight and I have an email from KISS confirming this.

Attorney Bush: We would like to submit this email as Respondent 2.

Mayor Pro-Tem Johnson: Email to Matthew Bush from Robert Haft, May 30, 2013

Attorney Bush: Were you aware of any complaints that night regarding this van?

Mr. Haft: No.

Attorney Bush: Another complaint from the same citizen on May 6, 2013 around 2:00 a.m. that a door to your business was open and music was disturbingly loud.

Mr. Haft: We closed around 12 and the last employee left at 1:30 a.m.

Attorney Bush: Since the February meeting have you been conforming to the City's requests?

Mr. Haft: Yes.

Attorney Bush: We would like to submit a picture of another establishment.

Mayor Pro-Tem Johnson: Respondent 3. It's a picture so you can't determine where it is.

Attorney Johnson: Just for the record, we would object that there's no relevance. The issue that's before this Council is this gentleman as a license holder has violated the ordinance.

Mayor Pro-Tem Johnson: So noted.

Attorney Bush: Submitted additional pictures of other establishments.

Attorney Johnson: Same objection.

Mayor Pro-Tem Johnson: Will accept these as Respondents 4 & 5.

Alderman Sprague: Since you brought these pictures, what is their classification?

Judee Jones: The Crip is classified as a bar and the Social Club is a hybrid.

Alderman Sprague: Do you have adequate seating for 299? How many dining seats do you have?

Mayor Pro-Tem Johnson: Was there a cover charge? Why check for age if it's a restaurant?

Mr. Haft: Yes, we have a \$10 cover charge. We're concerned about underage drinking.

Attorney Bush: Do you have any type of compliance review from the City of Savannah on your efforts with underage drinking?

Mr. Haft: Yes, we have a congratulations letter from Sergeant Williams dated March 20, 2013.

Attorney Bush: We would like to put in this letter as well.

Mayor Pro-Tem Johnson: Will accept as Respondent 6.

Attorney Bush: Does your business pose a threat to public safety?

Mr. Haft: No.

Mayor Pro-Tem Johnson: Why refuse to get a hybrid permit when you really operate as a hybrid?

Mr. Haft: This is not a refusal, but we are complying with the way the regulation is written.

Brooks Stillwell: A lot of this discussion has no bearing on this hearing, so my suggestion is we wrap this up.

Mayor Pro-Tem Johnson: Do you have any more witnesses?

Attorney Bush: No.

Attorney Johnson: We ask that you uphold the City Manager's recommendation to revoke this man's license.

Attorney Bush: I disagree with Attorney Johnson with regard to revocation. The facts do not support revocation of Mr. Haft's license, and we respectfully submit and request that the license be continued.

The following announcements were made:

Alderman Thomas expressed appreciation to Park and Tree for the tree canopy on Windsor Road he stated it looks excellent. He also wanted to raise an issue which concerns his district as well as Aldermen Sprague and Shabazz which concerns Abercorn Expressway and the commercial properties that line it, conditions like the old Bennigans building and Denny's with a blown out sign on a main million dollar corridor that runs through the city. He would like Council to begin looking into taking enforcement actions to correct the deplorable conditions for tourist and citizens. Alderman Thomas clarified an issue concerning Bell's Landing. He stated the City is in the midst of improvements at Coffee Bluff Plantation which cut off the Coffee Bluff Marina for boaters. He was informed the south entrance of Bell's Landing was closed off by the County for improvements and there is no water access for boaters except of the Skidaway opening until July 4.

Alderman Osborne expressed concern about the trimming of trees by Georgia Power. Alderman Sprague concurred and stated that it is the contractors that are hired by Georgia Power and therefore there needs to be a meeting with Park and Tree, Georgia Power and the contractor.

Alderman Shabazz announced the Kick-off of American Diabetes fundraiser and the flyer they are using has a picture of our Fire Chief on it. She asked that citizens support this cause to help combat the disease. A major fundraising event will take place in October

Mayor Pro Tem Johnson stated that there was another major incident with the Coastal Transitional Center and with this recent event, their outreach and meeting with the State Correctional officers is not working. This is not an ideal location for this center and it needs to close. Alderman Hall suggested the City buy the building if and when it closes.

There being no further business, Mayor Pro-Tem Johnson declared this meeting of Council adjourned.



Dyanne C. Reese, MMC,
Clerk of Council